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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/322,174	05/28/99	LANDA	B P16045
			EXAMINER

IM62/0524

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ROBERTSON, J	PAPER NUMBER
	7

1753

DATE MAILED: 05/24/00

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 54 - 76 is/are pending in the application.
- ☐ Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 54-58 61-63 65 66 69-71 73-76 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

—SEE OFFICE ACTION ON THE FOLLOWING PAGES—

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 54-58, 61-63, 65-66, 69-71 and 73-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou et al. '751 in view of Chou et al. '362 and Fitzgerald. Chou et al. '751 teaches a metallic toner utilized in developing latent electrostatic images by including a metal particle. Note column 2 line 65 - column 3 line 10 and column 4 lines 40-69 in teaching specific colloidal metal particles. Chou et al. '362 is directed to the metallic toner composition. Fitzgerald et al. teaches a reflective flake that can be utilized with a film forming binder and a colorant particles and utilizing an electrostatic force in providing a coating means (note column 15 lines 30-40). Applicant's attention is directed to the specification page 5

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line 18 in defining what applicant means by the term "flake". It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize metal particles or "flakes" in obtaining a metallic or gloss image utilizing electrostatic coating techniques such as those shown in Chou et al. in providing a metallic toner that can be utilized in an electrophotographic process.

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PRIMARY EXAMINER
ART UNIT 157

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May 22, 2000